

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>BUTOWSKY,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>V.</b>	§	<b>Civil Action No. 4:18CV442</b>
	§	<b>Judge Mazzant/Magistrate Judge Craven</b>
<b>DAVID FOLKENFLIK, ET AL.,</b>	§	
<b>Defendants.</b>	§	

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**ORDER**

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The Court issues the following *sua sponte*. Contemporaneously with this Order, the undersigned United States Magistrate Judge is entering a Report and Recommendation, recommending Defendants’ Motion for Sanctions Pursuant to Rule 11 for Violations Committed by Plaintiff and His Counsel (Docket Entry # 96) be denied.<sup>1</sup> Because the Court cites allegations from briefing and exhibits which the parties have filed under seal, the Court has sealed the Report and Recommendation and Order.

A district court must use caution when exercising its discretion to place records under seal because there is a “strong presumption that all trial proceedings should be subject to scrutiny by the public.” *United States v. Holy Land Found. for Relief & Dev.*, 624 F.3d 685, 690 (5th Cir. 2010); *see also Federal Sav. & Loan Ins. Corp. v. Blain*, 808 F.2d 395, 399 (5th Cir. 1987) (“The district court’s discretion to seal the record of judicial proceedings is to be exercised charily”). Even where no party opposes sealing, the burden is on the movant to establish the presumption in favor of public records is overcome.

Given this presumption, the Court will unseal the Report and Recommendation of the United States Magistrate Judge on Defendants’ Rule 11 Motion for Sanctions and Order on

<sup>1</sup> Within the Report and Recommendation, the undersigned also granted Plaintiff’s non-dispositive Motion for Leave

Plaintiff's Motion for Leave to File. Before doing so, however, the Court will allow the parties twenty days from the date of entry of this Order in which to submit a proposed publicly-available redacted version of the Order. The parties shall redact only those portions of the Report and Recommendation and Order with respect to which the parties have a legitimate and overriding business interest in maintaining confidentiality and shall be prepared to submit a particularized showing regarding those redactions in the event the Court finds it necessary.

The parties shall advise the Court in writing if no redactions are necessary.

**IT IS SO ORDERED.**

**SIGNED this 1st day of September, 2020.**

  
CAROLINE M. CRAVEN  
UNITED STATES MAGISTRATE JUDGE